

BILL NO. 22-2007

AN ORDINANCE

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the ordinance passed by the Council of the City of Reading, on the 22 day of Aug, A. D. 20 07. Witness my hand and seal of said City this 23 day of Aug, A. D. 20 07.

CITY CLERK

AMENDING CHAPTER 20 PART 1 SOLID WASTE OF THE CITY OF READING  
CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 20 Part 2 of the City of Reading Codified Ordinances is hereby amended as follows:

§20-104 (1)(B)(1) is amended to add the following:

(g) Owners of owner occupied single family or multi-family dwellings up to and including four units that elect not to participate in the City Curbside trash program, shall provide per the requirements hereunder a copy of a valid written contract, to the City, for rear-yard (where possible) trash collection serviced, with a licensed hauler.

§20-104 (1)(B)(2) is amended to add the following:

(g) Owners of multi-family dwellings which are either owner occupied or non-owner occupied with five units or more that elect not to participate in the City Curbside trash program, shall provide per the requirements hereunder a copy of a valid written contract, *or substantial proof to the satisfaction of the Solid Waste and Recycling Division of the Department of Public Works in the form of supporting documentation of an agreement*, to the City, for rear-yard (where possible) trash collection serviced, with a licensed hauler.

§20-104(8)(A) Municipal Waste is amended to read as follows:

§20-104(8)(A) Municipal Waste is amended to read as follows:

1. It shall be the responsibility of the owner/operator of all residential, owner occupied and non owner occupied, commercial, industrial or institutional properties and multifamily dwellings, owner occupied and non owner occupied, not on the City curbside trash removal program to submit the Solid Waste and Recycling Division of the Department of Public Works on a bi-annual basis, on or before February 1 and again on or before September 1 of each year evidence of a valid current agreement/contract *or substantial proof to the satisfaction of the Solid Waste and Recycling Division of the Department of*

*Public Works in the form of supporting documentation of an agreement*, as defined herein with a licensed hauler including the collector's name, address and telephone number. *This information shall also include the days and times of collection. For purposes of this Ordinance supporting documentation of an agreement with a licensed hauler shall include but not be limited to a canceled check payable to a licensed hauler indicating for time services rendered, a written receipt from a licensed hauler indicating for time services rendered, correspondence from a licensed hauler indicating the provision of service to the subject property or confirmation of listing of the subject property and owner on a customer list submitted by a licensed hauler.* The Department of Public Works must be notified in writing within 24 hours of any such changes. Failure of the owner / operator of the aforesaid premises to submit the information as required herein shall subject the owner / operator to placement on the City curbside trash removal program. Placement on the City curbside trash removal program per the requirements hereof shall result in billing of the owner / operator for the cost thereof and responsibility for said bill. At the discretion of the Manager of the Solid Waste and Recycling Division a property may be removed from the City curbside trash removal program upon submission, though untimely, of evidence of a valid current agreement / contractor substantial proof in the form of supporting documentation of an agreement, as defined herein with a licensed hauler for service of the subject property. Failure of the owner / operator to submit the information as required herein shall, in addition to the above, subject the hauler to penalties provided for in this Code.

2. Every trash hauler servicing properties in the City of Reading shall submit to the Solid Waste and Recycling Division of the Department of Public Works of the City of Reading on a bi-annual basis, on or before February 1 and again on or before September 1 of each year evidence a current and valid list of all the properties it services by providing trash removal therefor including the address of the property serviced, the name of the owner the property, an address and telephone number of the owner, and the name, address and telephone number to where the bills are served and/or mailed if different from that of the owner. This information shall be designated in areas by days and time of collection and provided and listed in said manner permitting the identification as to when trash will be collected from the properties. Additionally, the haulers must provide a list of their observed holidays designating alternative dates for collection in areas affected by the holidays. The hauler must notify the Department of Public Works Solid Waste and Recycling Division not later than the 15<sup>th</sup> of each month of any additions or deletions from their bi-annual list.

§20-104 is amended to add subsection 10 and to read as follows:

10. It shall be the responsibility of the owner / operator of every property in the City of Reading to ensure its compliance with the requirements of this Part including but not limited notifying the occupants of the requirements hereof and ensuring their compliance therewith and that a contract / agreement is undertaken by either a license hauler or per the City of Reading curbside trash removal program.

§20-107 Administrative Provisions is amended to read as follows:

**1. AUTHORIZED RETRIEVAL AND RESPONSIBILITY THEREFORE**

**A. ABATEMENT AND COSTS / BILLING.** The City of Reading contractor for curbside trash removal is authorized to pick up, abate and/or remove violations of this Ordinance including but not limited to items not picked up by the properties contracted hauler, placement of bags for retrieval in excess of that permitted, dumping or items placed improperly. The City of Reading contractor for curbside trash removal shall obtain documentation of such violations and note the address thereof prior to retrieval of said violations. The contractor shall report the violations, provide proof thereof and the fact of their retrieval to the Manager or his/her designee City of Reading Solid Waste Division and/or Code Official assigned to the area from the violation was retrieved. The contractor shall additionally issue a bill to the City of Reading for the retrieval of the violations noting the date and address of the same. The City of Reading shall then issue a bill to the owner of the property from where the violation was retrieved for the costs it incurred to abate the violation. The City of Reading's contractor's removal of the violation and issuance of the City of a bill therefor shall not be exclusive remedy for abatement of such violations. The City reserves the right to undertake any additional action for such violation including but not limited commencing any appropriate legal action to recover costs for the abatement and/or commencement of penalty proceedings as set forth herein.

**B. MEANS OF APPEAL**

*1. Application for Appeal. Any person aggrieved by the aforesaid procedure to abate, bill and collect costs for abatement of violation of this Ordinance as set forth above in section 20-107 (1) (A) shall have the right to appeal to the Solid Waste and Recycling Appeals Board provided that a written application for appeal is filed within twenty (20) days after issuance of the bill for collection of*

*costs for abatement of violation of this Ordinance per above. An application for appeal shall be on a form prepared and provided by the City. An administrative fee of Twenty-Five Dollars (\$ 25.00) shall be charged for each appeal.*

*2. Membership of Board. The board of appeals shall consist of two members of City Council and three citizens of Reading who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Solid Waste and Recycling Manager shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the governing body, and shall serve staggered and overlapping terms.*

*2.1 Chairman. The board shall annually select one of its members to serve as chairman.*

*2.2 Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.*

*2.3 Secretary. The City Clerk shall serve as Secretary to the Board. A detailed record of all proceedings in the office of the City Clerk for the City of Reading.*

*2.4 Quorum. A quorum shall consist of not less than two-thirds of the board membership.*

*3. Notice of Meeting. The Solid Waste and Recycling Appeals Board of Appeals shall meet upon notice from the chairman, within ten (10) days of the filing of an appeal, or at stated periodic meetings.*

*4. Open Hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Solid Waste and Recycling Manager and any person whose interests are affected shall be given an opportunity to be heard in accordance with speaking rules defined by the Board.*

*5. Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.*

*6. Postponed Hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.*

**7. Board Decision.** *The board shall modify or reverse of the City's enforcement officer only by a concurring vote of a majority of the total number of appointed board members.*

**7.1 Records and Copies.** *The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Solid Waste and Recycling Division Manager.*

**7.2 Administration.** *The Solid Waste and Recycling Division Manager shall take immediate action in accordance with the decision of the board.*

**8. Court Review.** *Any party to the appeal to the Board shall have to the appeal the decision of the Board to the appropriate court of jurisdiction the manner and time required by law following the filing of the decision in the office of the City Clerk of the City of Reading.*

**9. Stays of Enforcement.** *Appeals of decisions of the Board shall stay the enforcement and collection of the bill for costs of abatement of violation of this Ordinance as provided for in §20-107(1) (A).*

## **2. VIOLATIONS AND PENALTY.**

**A. Prosecution of Violation.** In addition to abating a violation of this Ordinance and billing for costs of said abatement as provided for in section 20-107(1) (A) herein, at the discretion of the City of Reading legal proceedings in the form of summary offense shall be commenced by the appropriate authority with enforcement power against any person failing to comply with the provisions of this Ordinance and the violation shall be deemed a strict liability offense. At the discretion of the City of Reading any action taken thereby on such premises to abate the violation shall be charged against the real estate upon which the structure is located and requested as restitution in any legal proceedings or shall be a lien upon such real estate in lieu of billing of costs for such abatement as provided for in section 20-107(1)(A).

### **B. Penalties.**

1. Any person or entity found to be in violation of any provision of this Part shall, upon first conviction, be fined not less than \$50 but not more than \$300 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. If costs for abatement are incurred by the City, restitution of 200 percent of the costs

shall be awarded to the City in addition to any fines or other penalties awarded herein. Owner shall also be required to provide a receipt from a licensed trash hauler for 1 year of prepaid trash collection service.

2. Upon second or subsequent offenses occurring within 5 years of a first offense, fines shall be doubled, to a minimum fine of \$100 but not more than \$600 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. If costs for abatement are incurred by the City, restitution of 200 percent of the costs shall be awarded to the City in addition to any fines or other penalties awarded herein. Owner shall also be required to provide a receipt from a licensed trash hauler for 1 year of prepaid trash collection service.

3. Every violator of the provisions of this Part shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this Section for each and every separate offense.

### **3. ENFORCEMENT**

The City's Code Enforcement Division, Department of Public Works, the Police Department and any other City enforcement officers are authorized and directed to enforce this Part. The Director of the Department of Public Works is hereby authorized and directed to promulgate and establish reasonable rules and regulations for the collection, storage and disposal of solid waste in accordance with the terms herein and any other matters required to implement this Part. The City may change, modify, repeal or amend any portion of said rules and regulations at any time.

### **4. FORFEITURE AND SEIZURE**

Any person or entity violating relevant provisions of this Part, including collection of trash outside of the zoned collection day, may be subject to forfeiture and seizure of property as set forth in 53 P.S. §4000.1715 and 25 Pa. Code §271.431.

### **5. CONTINUED RIGHT AND CITY CONTRACT**

The issuance of a hauler's license does not grant a continued right to any collector to haul or collect municipal waste or recyclables in the City and the City reserves the right to contract for municipal waste and recycling

services or to initiate the public collection of municipal waste and/or recyclables at any time.

**SECTION 2:** All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended shall remain in full force and effect.

**SECTION 3:** If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 4:** This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted

Aug 27, 2007

Council President

Attest:

City Clerk

Submitted to Mayor:

Date: 8-28-07

Received by the Mayor's Office:

Date: 8-28-07

Approved by Mayor:

Date: 8/28/07

Vetoed by Mayor:

Date: